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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

G Irvin, et al

A COMPRESSED FLUID FORMULATION

Serial No. To be assigned

Filed herewith

Group Art Unit: 1755

Examiner: Faison, Veronica F.

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Frieda DasFaias

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June 23, 2003

Date

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRELIMINARY REMARKS SUBMITTED FOR CONSIDERATION IN CONTINUATION-IN-PART APPLICATION

An Office action was mailed on March 31, 2003, concerning USSN 10/033,458, the parent docket of the present continuation-in-part application. In that action, the parent claims were rejected as anticipated by Nielsen U.S. Pat. No. 5,312,862. The applicant requests that the present claims be considered in view of the following remarks.

The applicant respectfully traverses the rejection. Nielsen teaches a method to admix compressed fluids such as carbon dioxide, nitrous oxide and ethane with functional materials (specifically solid polymers) that are dissolved in a conventional solvent that results in an admixture that contains the compressed fluid, the polymer and the conventional solvent.

Nielsen Abstract states: "*Methods are presented by which compressed fluids such as carbon dioxide, nitrous oxide, and ethane can be admixed with solvent-borne compositions that contain a high concentration of solid polymer, such as coating compositions, whereby precipitation of the solid polymer can be avoided, thereby preventing plugging of the mixing apparatus.*"

At col. 2, lines 37-44, Nielsen again states: "*Compressed fluids such as carbon dioxide and ethane can be admixed with solvent-borne compositions that contain a high concentration of solid polymer with little or no precipitation occurring, so that the mixing apparatus can reliably remain plug-free during extended operation.*"

The term "solvent-borne composition" is thus defined in col. 5, lines 59-62: "*As used herein, the phrase "solvent-borne composition" is understood to mean conventional liquid solvent-borne compositions, materials, concentrates, and formulations that have no compressed fluid admixed therewith*".

The term "solvent" is defined in col. 6, lines 1-5 as follows: "*As used herein, the term "solvent" is understood to mean conventional solvents that have no compressed fluid admixed therewith and which are in the liquid state at conditions of about 25 degree Celsius temperature and one atmosphere absolute pressure.*"

This is different from the teachings of the Applicant, which discloses a thermodynamically stable or metastable composition containing functional materials that are dispersed and/or solubilized in a fluid that is in a compressed state and does not contain a solvent that is a conventional liquid.

To make the distinction even clearer, claims 1 and 15 have been amended in the present continuation-in-part application.

The applicant believes the claims are in condition for allowance and requests an early Notice of Allowability.

Respectfully submitted,

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